

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 123

By: Senator B. Johnson
By: Representative Lundstrum

For An Act To Be Entitled

AN ACT TO UPDATE THE DRUG SCREENING AND TESTING ACT
OF 2015; TO MAKE THE TWO-YEAR PILOT PROGRAM A
PERMANENT PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO UPDATE THE DRUG SCREENING AND TESTING
ACT OF 2015; AND TO MAKE THE TWO-YEAR
PILOT PROGRAM A PERMANENT PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-76-703(a), concerning the administration
of the Drug Screening and Testing Act of 2015, is amended to read as follows:

(a)(1) Subject to state appropriation, the Department of Workforce
Services shall establish and administer a ~~two-year-pilot~~ drug screening and
testing program of suspicion-based drug screening and testing for each
applicant who is otherwise eligible for the Temporary Assistance for Needy
Families Program, § 20-76-101 et seq., or its successor program and for each
recipient of the Temporary Assistance for Needy Families Program, § 20-76-101
et seq., or its successor program.

(2) The ~~pilot~~ drug screening and testing program shall include
the population statewide as determined by the department and all applicants
and all recipients in the counties bordering the following states:

- (A) Mississippi;
- (B) Missouri;
- (C) Oklahoma;



(D) Tennessee; and

(E) Any other state bordering Arkansas with a drug screening or drug testing program for the Temporary Assistance for Needy Families Program.

SECTION 2. Arkansas Code § 20-76-703(d)(1), concerning the administration of the Drug Screening and Testing Act of 2015, is amended to read as follows:

(d)(1) An applicant or recipient shall undergo a confirmation test using the same ~~urine~~ specimen sample from the initial positive test prior to receiving Temporary Assistance for Needy Families Program benefits.

SECTION 3. Arkansas Code § 20-76-704(a)(2)-(4), concerning the duties of the Department of Workforce Services, is amended to read as follows:

(2) Develop appropriate screening techniques and processes to establish reasonable cause that an applicant or recipient is using a drug and to establish the necessary criteria to permit the department to require the applicant or recipient to undergo no less than a ~~urine-based~~ five-panel drug test;

(3) Identify and select a screening tool as a part of the development of the screening technique that will be employed for the ~~pilot~~ drug screening and testing program under this subchapter;

(4) Develop a plan for funding of the costs of the screening process, the ~~urine-based~~ no less than five-panel drug testing process, personnel and information systems modification, and other costs associated with the development and implementation of the testing process; and

SECTION 4. Arkansas Code § 20-76-704(b), concerning the report by the Department of Workforce Services on the Drug Screening and Testing Act of 2015, is amended to read as follows:

(b) ~~Upon conclusion of the first year of the pilot program and conclusion of the pilot program~~ Annually, the department shall submit a report on or before December 31 to the General Assembly that includes without limitation:

(1) The number of individuals screened;

(2) The number of screened individuals for whom there was a

1 reasonable suspicion of illegal drug use;

2 (3) The number of screened individuals who took a drug test;

3 (4) The number of screened individuals who refused to take a
4 drug test;

5 (5) The number of screened individuals who received a positive
6 result on the drug test;

7 (6) The number of screened individuals who received a negative
8 result on the drug test;

9 (7) The number of individuals who received a positive result on
10 a drug test for a second or subsequent time; ~~and~~

11 (8) The amount of costs incurred by the department for the
12 administration of the ~~pilot~~ drug screening and testing program; and

13 (9) The number of applications and re-applications received for
14 the Temporary Assistance for Needy Families Program, § 20-76-101 et seq., in
15 the previous year and the current year.

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17 SECTION 5. The introductory language of Arkansas Code § 20-76-705,
18 concerning the standards in the drug screening and testing program, is
19 amended to read as follows:

20 The drug screening and testing ~~pilot~~ program shall include without
21 limitation:

22
23 SECTION 6. Arkansas Code § 20-76-705(5)(A) and (B), concerning the
24 standards in the drug screening and testing program, is amended to read as
25 follows:

26 (5)(A) A requirement that an applicant or recipient be tested
27 using the ~~urine-based~~ no less than five-panel drug test upon the conclusion
28 of the determined treatment period.

29 (B) If an applicant or recipient receives a positive
30 result on the ~~urine-based~~ no less than five-panel drug test or any subsequent
31 drug test, the applicant shall be ineligible for program benefits for six (6)
32 months.

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34 SECTION 7. Arkansas Code § 20-76-709 is amended to read as follows:
35 20-76-709. Effective date.

36 This subchapter shall be effective no later than December 31, 2015, ~~and~~

1 ~~shall expire after a period of two (2) years from the beginning date of the~~
2 ~~pilot program unless amended or extended by the General Assembly.~~

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